

SHB 1304 - H AMD 832

By Representative Hackney

WITHDRAWN 02/13/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that recent changes
4 in alarm system technology can be beneficial for protecting property
5 owners from ongoing theft, and help to minimize the demand on local
6 government policing and judicial resources. The legislature further
7 finds that state and local building codes related to electric
8 security alarm systems vary widely from jurisdiction to jurisdiction
9 and that a uniform definition and application of a statewide standard
10 for installation of such systems would be beneficial to industrial
11 and commercial property owners statewide. It is, therefore, the
12 intent of the legislature to establish a statewide standard for the
13 installation and operation of electric security alarm systems to
14 streamline adoption and provide certainty for installation of such
15 systems.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
17 RCW to read as follows:

18 (1) Cities and towns may not adopt or enforce any ordinance, land
19 use regulation, or building code for manufacturing, industrial, or
20 outdoor storage property that:

21 (a) Prohibits the installation or use of an electric security
22 alarm system;

23 (b) Imposes installation or operational requirements inconsistent
24 with IEC standards or this section for an electric security alarm
25 system;

26 (c) Requires a property setback for an electric security alarm
27 system or its ancillary components beyond the distance required by
28 IEC standards for separation from an external fence that surrounds
29 the perimeter of the outdoor storage property, including any existing
30 nonconforming or grandfathered fence; or

1 (d) Requires a permit of any type other than a security alarm
2 permit for the installation or use of an electric security alarm
3 system or imposes a fee for such a permit of more than \$1,000.
4 Nothing in this section precludes a city or town from regulating or
5 requiring a permit for a nonelectric perimeter fence or wall.

6 (2) A city or town that has, prior to January 1, 2024, adopted an
7 ordinance, land use regulation, or building code that permits
8 electric security alarm systems in accordance with IEC standards in
9 commercial and industrial zones within the city or town is not
10 subject to the requirements of this section.

11 (3) For the purposes of this section:

12 (a) "Electric security alarm system" means an outdoor alarm
13 system and ancillary components, including a fence-like wiring
14 structure, placed behind an existing nonelectric fence that:

15 (i) Interfaces with an alarm system in a manner that enables the
16 fence to cause the connected alarm system to transmit a signal
17 intended to detect and alert the property owner of an intrusion or
18 burglary;

19 (ii) Has an energizer that is driven by battery of no more than
20 12 volts of direct current and that does not produce an electric
21 charge on contact that exceeds energizer characteristics set for
22 electric fence energizers by IEC standards;

23 (iii) Is surrounded by a nonelectric perimeter fence or wall that
24 is at least five feet in height;

25 (iv) Is 10 feet in height or two feet higher than the height of
26 the nonelectric perimeter fence or wall, whichever is greater; and

27 (v) Is marked with conspicuous warning signs that are located on
28 the fence at not more than 30-foot intervals and that read: "WARNING:
29 ELECTRIC FENCE."

30 (b) "IEC standards" means the international electrotechnical
31 commission standard 60335-2-76, as most recently published on or
32 before January 1, 2021.

33 (c) "Outdoor storage property" means a commercial property,
34 regardless of zoning designation, that is legally authorized to
35 store, park, service, sell, or rent vehicles, vessels, equipment,
36 materials, freight, or utility infrastructure within an outdoor lot
37 or yard that is surrounded by a nonelectric perimeter fence or wall.

38 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21
39 RCW to read as follows:

1 (1) Code cities may not adopt or enforce any ordinance, land use
2 regulation, or building code for manufacturing, industrial, or
3 outdoor storage property that:

4 (a) Prohibits the installation or use of an electric security
5 alarm system;

6 (b) Imposes installation or operational requirements inconsistent
7 with IEC standards or this section for an electric security alarm
8 system;

9 (c) Requires a property setback for an electric security alarm
10 system or its ancillary components beyond the distance required by
11 IEC standards for separation from an external fence that surrounds
12 the perimeter of the outdoor storage property, including any existing
13 nonconforming or grandfathered fence; or

14 (d) Requires a permit of any type other than a security alarm
15 permit for the installation or use of an electric security alarm
16 system or imposes a fee for such a permit of more than \$1,000.
17 Nothing in this section precludes a code city from regulating or
18 requiring a permit for a nonelectric perimeter fence or wall.

19 (2) A code city that has, prior to January 1, 2024, adopted an
20 ordinance, land use regulation, or building code that permits
21 electric security alarm systems in accordance with IEC standards in
22 commercial and industrial zones within the code city is not subject
23 to the requirements of this section.

24 (3) For the purposes of this section:

25 (a) "Electric security alarm system" means an outdoor alarm
26 system and ancillary components, including a fence-like wiring
27 structure, placed behind an existing nonelectric fence that:

28 (i) Interfaces with an alarm system in a manner that enables the
29 fence to cause the connected alarm system to transmit a signal
30 intended to detect and alert the property owner of an intrusion or
31 burglary;

32 (ii) Has an energizer that is driven by battery of no more than
33 12 volts of direct current and that does not produce an electric
34 charge on contact that exceeds energizer characteristics set for
35 electric fence energizers by IEC standards;

36 (iii) Is surrounded by a nonelectric perimeter fence or wall that
37 is at least five feet in height;

38 (iv) Is 10 feet in height or two feet higher than the height of
39 the nonelectric perimeter fence or wall, whichever is greater; and

1 (v) Is marked with conspicuous warning signs that are located on
2 the fence at not more than 30-foot intervals and that read: "WARNING:
3 ELECTRIC FENCE."

4 (b) "IEC standards" means the international electrotechnical
5 commission standard 60335-2-76, as most recently published on or
6 before January 1, 2021.

7 (c) "Outdoor storage property" means a commercial property,
8 regardless of zoning designation, that is legally authorized to
9 store, park, service, sell, or rent vehicles, vessels, equipment,
10 materials, freight, or utility infrastructure within an outdoor lot
11 or yard that is surrounded by a nonelectric perimeter fence or wall.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01
13 RCW to read as follows:

14 (1) Counties may not adopt or enforce any ordinance, land use
15 regulation, or building code for manufacturing, industrial, or
16 outdoor storage property that:

17 (a) Prohibits the installation or use of an electric security
18 alarm system;

19 (b) Imposes installation or operational requirements inconsistent
20 with IEC standards or this section for an electric security alarm
21 system;

22 (c) Requires a property setback for an electric security alarm
23 system or its ancillary components beyond the distance required by
24 IEC standards for separation from an external fence that surrounds
25 the perimeter of the outdoor storage property, including any existing
26 nonconforming or grandfathered fence; or

27 (d) Requires a permit of any type other than a security alarm
28 permit for the installation or use of an electric security alarm
29 system or imposes a fee for such a permit of more than \$1,000.
30 Nothing in this section precludes a county from regulating or
31 requiring a permit for a nonelectric perimeter fence or wall.

32 (2) A county that has, prior to January 1, 2024, adopted an
33 ordinance, land use regulation, or building code that permits
34 electric security alarm systems in accordance with IEC standards in
35 commercial and industrial zones within the county is not subject to
36 the requirements of this section.

37 (3) For the purposes of this section:

1 (a) "Electric security alarm system" means an outdoor alarm
2 system and ancillary components, including a fence-like wiring
3 structure, placed behind an existing nonelectric fence that:

4 (i) Interfaces with an alarm system in a manner that enables the
5 fence to cause the connected alarm system to transmit a signal
6 intended to detect and alert the property owner of an intrusion or
7 burglary;

8 (ii) Has an energizer that is driven by battery of no more than
9 12 volts of direct current and that does not produce an electric
10 charge on contact that exceeds energizer characteristics set for
11 electric fence energizers by IEC standards;

12 (iii) Is surrounded by a nonelectric perimeter fence or wall that
13 is at least five feet in height;

14 (iv) Is 10 feet in height or two feet higher than the height of
15 the nonelectric perimeter fence or wall, whichever is greater; and

16 (v) Is marked with conspicuous warning signs that are located on
17 the fence at not more than 30-foot intervals and that read: "WARNING:
18 ELECTRIC FENCE."

19 (b) "IEC standards" means the international electrotechnical
20 commission standard 60335-2-76, as most recently published on or
21 before January 1, 2021.

22 (c) "Outdoor storage property" means a commercial property,
23 regardless of zoning designation, that is legally authorized to
24 store, park, service, sell, or rent vehicles, vessels, equipment,
25 materials, freight, or utility infrastructure within an outdoor lot
26 or yard that is surrounded by a nonelectric perimeter fence or wall.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.27
28 RCW to read as follows:

29 (1) By July 1, 2025, the state building code council shall adopt
30 or amend rules as necessary to provide that electric security alarm
31 systems are not considered structures under the state building code
32 when placed behind an existing perimeter fence in compliance with
33 sections 2, 3, and 4 of this act.

34 (2) For the purposes of this section, "electric security alarm
35 system" has the same meaning as in section 2 of this act."

36 Correct the title.

EFFECT: • Changes references to "battery-charged electric security fences" to "electrified security alarm systems."

• Prohibits local governments from adopting or enforcing regulations that would prohibit the installation or use of an electrified security alarm system on manufacturing, industrial, or outdoor storage property; impose requirements on such a system that are inconsistent with those in the bill or those adopted by the International Electrotechnical Commission; require a setback from the perimeter fence for such a system beyond the distance required by the International Electrotechnical Commission standards; require a permit fee for such a system other than a security alarm permit or require a permit fee of more than \$1,000.

• Provides that a local government that has, prior to January 1, 2024, adopted regulations permitting electric security alarm systems in accordance with International Electrotechnical Commission standards in commercial and industrial zones is not subject to the requirements of the bill.

• Changes the definition of "electrified security alarm system" to mean a fence-like wiring structure placed beyond an existing fence that meets certain criteria, including that the system must connect to an alarm system that can alert the property owner of an intrusion or burglary, that the system be surrounded by a non-electric perimeter fence that is at least five feet high, and that the system itself be at least 10 feet high.

• Requires the State Building Code Council to adopt or amend rules by July 1, 2025, to provide that electric security alarm systems are not considered structures under the State Building Code when placed behind a perimeter fence in compliance with the bill.

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